

### REMARKS

In the Office Action mailed September 12, 2006, the Examiner rejected claims 10-14, 16-19, and 24-34 with claim 14 being withdrawn. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 10, 16, 18, 24, 26, and 31-33, with claim 14 being cancelled and claims 35 and 36 being newly added. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

#### I. Examiner Telephonic Interview

Applicants would like to thank Examiner Robert E. Sellers for the time and courtesy extended to Applicant's Representative Scott Chapple during a Telephonic Examiner's Interview conducted on October 30, 2006. In that interview, claims 10 and 24 were discussed relative to the putative prior art reference PCT Publication No.: WO 1995/033785. The Examiner indicated that support for the feature "wherein the adduct is solidified without any substantial solvent" is found on page 9 lines 23-27 of the application. The Examiner further indicated that the limitation of "consisting of" the epoxy and the elastomer wherein the elastomer is designated as "thermosetting" and the catalyst is included would appear to overcome the current rejection. On this basis, Applicant has presented the discussed claims directed to proposed clarifications and respectfully requests that the rejections of the claims be withdrawn and also requests that the claims be allowed.

#### II. Rejections under 35 USC 112

The Office Action suggested that the word "bisphenol" was misspelled in claim 16. Claim 16 has been amended such that "bisphenol" is now properly spelled

The Office Action suggested that the specification affirmatively disclose the mixing temperature range at Page 6, lines 11-12. Furthermore, the Office Action suggested that the specification affirmatively disclose the viscosity range at Page 8, lines 29-30. Without acquiescing in the rejection and to expedite prosecution, Applicants have made changes to the specification to address this suggestion. Applicants note, however, that the present application is not limited to a particular reaction scheme unless specifically indicated by the claims.

The Office Action suggested that the acronym "EPHR" in claim 33 be more completely defined. Claim 33 has been amended such that "EPHR" is defined as "equivalents per one

hundred parts by weight rubber (EPHR)." Without acquiescing in this suggestion, Applicants have amended the language of claim 33 to overcome the rejection.

The Office Action suggested that claims 10-13, 16-19, and 24-34 fail to comply with the written description requirement. Applicants have addressed this suggestion with the Examiner during the Telephonic Examiner's Interview, as discussed above. On that basis, Applicant has presented the discussed claims directed to proposed clarifications and respectfully requests that the rejections of the claims be withdrawn and also requests that the claims be allowed.

### III. Claims 10 and 24 and New Claims 35 and 36

Applicants have amended claims 10 and 24 to additionally describe the composition of the present invention. Support for the claim amendments under 35 USC § 112 can be found on page 5 in Tables A and B for an epoxy/elastomer adduct composition that is "free of a curing agent." Applicants believe that the amended claims are patentable.

The Office Action suggested that the limitation of the claims 10 and 24 to merely "consisting essentially of" would not exclude the curing agents of the putative prior art. As such, Applicants have added claim 35 to include the limitations of "consisting essentially of" and "the epoxy/elastomer adduct is free of a curing agent." Applicants believe that the newly added claim 35 is patentable.

The Examiner suggested in the Telephonic Interview that the limitations of "consisting of" and a "thermosetting" elastomer in addition to the features of claims 10 and/or 24 would appear to overcome the putative prior art. Applicants have added claim 36 to include these limitations and believe that the newly added claim 36 is patentable.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

### CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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Respectfully submitted,



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